THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 1818 of 2003

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Dated: 04.08.2005

Between:

J.Jalagonda, S/o Lingonda,
R/o. Bhagyapalli Village, Renzal Mandal,
Nizamabad District.

..... PETITIONER

AND

1 The Superintendent of Police.,
Nizamabad and others.

.....RESPONDENTS

ORDER:

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The petitioner is the resident of Bhayapalli Village, Renzal Mandal, Nizamabad District. It is his case that respondents 3 and 4 paid some amounts to one Muthenna for getting Job Visas to go to Qathar through some third parties and that when they could not get Job Visas, so as to get back the amounts, they approached the second respondent, who forcibly obtained an undertaking/document from the petitioner. It is also alleged that respondents 3 and 4 are regularly harassing the petitioner to compel Muthenna to refund the amount with the help of the second respondent and that the second respondent called the petitioner to the Police Station in that connection. He seeks a direction to the second respondent not to harass him and not to compel him to pay any amounts to respondents 3 and 4. In support of his allegations, he also filed a third party affidavit of one S.Gangaiah, who says, in the month of August 2002 the second respondent summoned the petitioner to the Police Station and that when Gangaiah went to the Police Station, he found that the second respondent obtained an undertaking from the petitioner of a bond of Rs.90,000/- each in favour of respondents 3 and 4.

The second respondent filed counter affidavit denying the allegations. It is also stated that he has not registered any crime against the petitioner and that the Police are not aware about the dispute between the petitioner and respondents 3 and 4. The allegation that the second respondent is interfering with the civil disputes is also denied.

Though the counter affidavit was filed on 19.02.2003, so far the petitioner has not chosen to file any reply affidavit denying the counter averments. Therefore, no credence can be given to the various allegations made in the affidavit accompanying the writ petition. Further in paragraph No.5 of the affidavit, the petitioner alleges that the second respondent obtained a document from him, which was scribed by the writer of the P.S.Bodhan. He does not give the date and time when it was allegedly obtained. Whereas Gangaiah, in his third party affidavit, alleges that in August 2002 he came to know about the arrest of the writ petitioner by the second respondent. This inconsistency is not even explained by filing appropriate reply affidavit. Therefore, this Court holds that the writ petition is filed on a factual foundation, which is not sound.

Therefore, the writ petition is disposed of observing that unless and until a crime is registered against the petitioner at the instance of respondent Nos.3 and 4 or any person, Police cannot interfere with the liberty of the petitioner. No costs.

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(V.V.S.RAO, J)

04.08.2005

vs